

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

DONNA CURLING, ET AL.

Plaintiffs,

v.

BRIAN KEMP, ET AL.

Defendants.

**Civil Action
No. 1:17-cv-02989-AT**

JOINT NOTICE OF PARTIES IN ADVANCE OF HEARING

Pursuant to this Court’s Order (Doc. 280), the parties file this joint submission on the record in advance of the hearing set for September 12, 2018, at 11:00 a.m. Eastern time (“the Hearing”).

I. Conferral

This notice advises the Court of the results of the conferral by and between the Coalition Plaintiffs,¹ Curling Plaintiffs,² State Defendants,³ and Fulton County Defendants,⁴ conducted through counsel, on September 6, 2018.

¹ Plaintiffs Coalition for Good Governance, William Digges III, Laura Digges, Megan Missett, and Ricardo Davis.

² Plaintiffs Donna Curling, Donna Price, and Jeffrey Schoenberg.

³ Official-capacity Defendants Brian P. Kemp, David J. Worley, Rebecca N. Sullivan, Ralph F. “Rusty” Simpson, and Seth Harp.

⁴ Official-capacity Defendants Mary Carole Cooney, Vernetta Nuriddin, David J. Burge, Stan Matarazzo, and Aaron Johnson.

II. All Potential Live Witnesses.

The parties advise that they may call the following live witnesses at the Hearing. Each party reserves the right to cross-examine any witness called by any other party within the total time allotted per side (or per plaintiffs' group, as applicable).

A. Coalition Plaintiffs

The Coalition Plaintiffs identify the following as their potential live witnesses, whose testimony will address the indicated issues:

<u>Witness</u>	<u>Subject of Testimony</u>	<u>Estimated Time</u>
Richard A. DeMillo <i>Charlotte B. and Roger C. Warren Chair of Computer Science at Georgia Tech</i>	Public interest element of the preliminary injunction request.	<u>Direct</u> : 10–15 minutes <u>Cross by</u> Curling: 5 minutes State: 5 minutes Fulton: 5 minutes
Michael Barnes <i>Employee, Secretary of State Elections Division</i> <i>Former Director of Center for Election Systems at Kennesaw State University</i>	Election security and public interest element of the preliminary injunction request.	<u>Direct</u> : 5 minutes <u>Cross by</u> Curling: 5 minutes State: 5 minutes Fulton: 5 minutes

B. Curling Plaintiffs

The Curling Plaintiffs identify the following as their potential live witnesses, whose testimony will address the indicated issues:

<u>Witness</u>	<u>Subject of Testimony</u>	<u>Estimated Time</u>
Alex Halderman	Election security and public interest element of the preliminary injunction request.	<u>Direct</u> : 5–15 minutes <u>Cross by</u> Coalition: 5 minutes State: 5 minutes Fulton: 5
Chris Harvey	Election security and public interest element of the preliminary injunction request.	<u>Direct</u> : 5–15 minutes <u>Cross by</u> Coalition: 5 minutes State: 5 minutes Fulton: 5 minutes
Richard Barron	Election security and public interest element of the preliminary injunction request.	<u>Direct</u> : 5–15 minutes <u>Cross by</u> Coalition: 5 minutes State: None. Fulton: 5 minutes

C. State Defendants

The State believes that the Motions for Preliminary Injunction can be decided on the briefs and submitted declarations. In the absence of a written memorandum opinion deciding the State’s Motion(s) to Dismiss raising various

issues including, but not limited to, threshold issues of jurisdiction and immunity, proceeding with what is in substance a proceeding on the merits of the injunctive relief sought by the Complaints is improper and prejudicial. Without waiving these objections, and assuming the Court decides to allow live testimony, the State Defendants identify the following as their potential live witnesses, whose testimony will address the indicated issues:

<u>Witness</u>	<u>Subject of Testimony</u>	<u>Estimated Time</u>
Rebecca Sullivan <i>Chair of State Election Board</i>	Infeasibility of rulemaking this close to the election to address the issues implicated in Plaintiffs' proposed mandates.	<u>Direct</u> : 10 minutes <u>Cross by</u> Coalition: 5 minutes Curling: 5 minutes Fulton: 5 minutes
Cathy Cox <i>Georgia Secretary of State (1999-2007)</i>	Infeasibility of moving to a paper-ballot process for Nov. 6, 2018 Election.	<u>Direct</u> : 20–25 minutes <u>Cross by</u> Coalition: 15 minutes Curling: 10-15 minutes Fulton: 5 minutes

D. Fulton County Defendants

The Fulton County Defendants identify the following as their potential live witnesses, whose testimony will address the indicated issues:

<u>Witness</u>	<u>Subject of Testimony</u>	<u>Estimated Time</u>
Cecilia Houston	Public interest element of the preliminary injunction request.	<u>Direct</u> : 5–10 minutes <u>Cross by</u> Coalition: 5 minutes Curling: 5 minutes State: None.

III. Parties' Conferral on Additional Time Needed for the Hearing and on Division of Time.

After conferring, the Curling and Coalition Plaintiffs have agreed to request an enlargement of time for presenting witness testimony and closing argument.

The State Defendants believe additional time is unnecessary. Fulton County will respond to Plaintiffs' supplemental submission requesting additional time. Per the Court's Order (Doc. 280), the Plaintiffs will explain why more time is needed in a separate supplemental submission.

Respectfully submitted this 7th day September, 2018.

/s/ Bruce P. Brown

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CERTIFICATE OF COMPLIANCE WITH LR 5.1C, NDGa

I hereby certify pursuant to LR 7.1D, NDGa that the foregoing document has been prepared with one of the font and point selections approved by this Court in LR 5.1C, NDGa, using a 14-point Times New Roman font.

/s/ Bruce P. Brown

Bruce P. Brown

Georgia Bar No. 064460

CERTIFICATE OF SERVICE

I hereby certify that on September 7, 2018, I electronically filed the foregoing JOINT NOTICE OF PARTIES IN ADVANCE OF HEARING with the Clerk of Court using the CM/ECF system, which will automatically send email notification of such filing to all attorneys of record, according to the Court's Electronic Mail Notice List.

/s/ Bruce P. Brown

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